

10/524,129 *[Signature]*

10191/3730

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Rainer KNICKER et al.
 International Application No. : PCT/DE03/02172
 International Filing Date : June 30, 2003
 U.S. Serial No. : 10/524,129
 For : **METHOD, COMPUTER PROGRAM AND
 OPEN- AND/OR CLOSED-LOOP
 CONTROL UNIT FOR OPERATING AN
 ACTUATOR HAVING A CAPACITATIVE
 ELEMENT, AND INTERNAL
 COMBUSTION ENGINE**

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 Attention: PCT – Missing Parts

**RESPONSE TO MISSING REQUIREMENTS
 UNDER 35 U.S.C. 371**

SIR:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (mailed August 2, 2005), Applicants submit herewith a fully executed Declaration, in order to complete the filing requirements for the U.S. national phase of the above-identified PCT application. The application filed in the Patent Office is the application which the inventors executed by signing the Declaration and Power of Attorney. A copy of the Notification of Missing Requirements is enclosed.

The Office is authorized to charge the \$130.00 fee to cover the surcharge for late filing of the Declaration.

The Office is also hereby authorized to charge Deposit Account No. 11-0600 with any additional fees required by this paper or credit any overpayment. An additional copy of this letter is enclosed for this purpose.

10/03/2005 GFREY1 00000212 110600 10524129
 01 FC:1617 130.00 DA

Respectfully submitted,
 KENYON & KENYON

Date: 9/26/05

[Signature]
 Gerard A. Messina, Reg. No. 35,952
 One Broadway
 New York, NY 10004
 Tel: (212) 425-7200
 Fax: (212) 425-5288

CUSTOMER NO. 26646



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

| | | |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/524,129 | Rainer Knicker | 10191/3730 |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/DE03/02172 | | |
| I.A. FILING DATE | | PRIORITY DATE |
| 06/30/2003 | | 08/10/2002 |
| CONFIRMATION NO. 2463 | | |
| 371 FORMALITIES LETTER | | |
| *OC000000016603405* | | |

Date Mailed: 08/02/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/10/2005
- Copy of the International Search Report filed on 02/10/2005
- Preliminary Amendments filed on 02/10/2005
- Information Disclosure Statements filed on 02/10/2005
- Oath or Declaration filed on 02/10/2005
- Request for Immediate Examination filed on 02/10/2005
- U.S. Basic National Fees filed on 02/10/2005
- Substitute Specification filed on 02/10/2005
- Priority Documents filed on 02/10/2005
- Power of Attorney filed on 02/10/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/524,129 | PCT/DE03/02172 | 10191/3730 |

FORM PCT/DO/EO/905 (371 Formalities Notice)

Title: METHOD, COMPUTER PROGRAM AND OPEN-AND/OR CLOSED-LOOP CONTROL UNIT FOR
OPERATING AN ACTUATOR HAVING A CAPACITATIVE ELEMENT, AND INTERNAL
COMBUSTION ENGINE Matter: 3730 Client: 10191 Application No: 10/524129 (P40932 USW 0
34400)

